**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION.**

**CIVIL APPLICATION NO.2568 OF 2005.**

**IN**

**FIRST APPEAL NO.865 OF 1994.**

Nivruti Sukhadev Nale & ors. : Applicants.

versus

Vasudeo Sakharam Waikole & Anr. : Respondents.

Mr.Hardas h/f Mr.P.N.Joshi for the applicants.

Mr.V.A.Thorat for the respondents.

**CORAM : D.G.DESHPANDE,J.**

**DATED : 17th June 2005.**

**ORAL ORDER**

1. Heard the advocates. This is an application for bringing the legal heirs on record of the deceased appellant and for condonation of delay and setting aside abatement. Looking to the facts and circumstances, application is allowed. Abatement is set aside and delay is condoned subject to payment of costs

of Rs.1000/-. Costs to be paid within two weeks from today. Payment of costs is a condition precedent. Constitutional amendments to be carried out within one week. Civil application is disposed of. Put up the matter for final hearing on 19.7.2005.

[D.G.DESHPANDE]

17/06/2005 JUDGE.